

REMARKS

Review and reconsideration of the Office Action dated April 15, 2005, is respectfully requested in view of the following amendments and the following remarks.

Claim 1 has been cancel. Claim 11 has been added. Claim 11 correspond to cancel Claim 1.

The preamble of the claims has been changed to refer to a window façade. Support for this amendment can be found on Claim 8, as originally filed and through the specification. The present invention is directed to a window façade.

The claims have been amended to overcome the formalities rejections.

No new matter has been added to the claims.

Applicant believes that the present set of claims are novel in view of the cited prior art. Applicant's arguments regarding the novelty of the claims can be found below.

Office Action:

Turning to the Office Action, the paragraphing of the Examiner is adopted.

Information Disclosure Statement

The Examiner indicates that Applicant's Information Disclosure Statements submitted on July 12, 2004 and August 3, 2004 have been entered and considered.

Claim Objections (Formalities)

The Examiner has objected to claims 6-9 because of informalities.

The position of the Examiner can be found on page 2 of the Office Action.

In response, Applicant has amended the claims to overcome the formalities rejections.

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections (Obviousness)

The Examiner rejects Claims 1-10 under 35 U.S.C. 103(a), as being obvious over U.S. Patent Application 2002/0157294A1 to Stanley in view of US Patent 6, 131,345 to Pelusio.

The position of the Examiner can be found on pages 2-7 of the Office Action.

Applicant respectfully traverses for the reasons set forth below.

Regarding the Stanley Reference

Applicant reviewed the Stanley reference and notes that the reference teaches a magnetic pad having a decorative matter in one of its faces. The magnetic sheet is used on metallic surfaces, such as--garage door. **The decorative matter includes alpha/numeric matters or decorative figures.**

Applicant notes that the main objective of the Stanley reference is to provide an over-all decorative identification of a **festive occasion. The decorations include designs for figures representing holidays festive**, such as--figures flags for 4th of July, Happy-Birthday signs, etc.

Stanley's festive decorations are designed to be used during the different festive occasions of the year. Then, the decorations will be removed from the metallic surface and another set of decorations will replace the previous one. (Short-term decorations).

Regarding Claims 11 (Old claim 1) and 5

Compared with Claims 11 and 5, the Stanley reference fails to teach that the magnetic pad has a graphic representation of a window façade for a garage door window.

Thus, the main difference between the present invention and the Stanley reference is that the decorative matter is not in the form of a garage door window.

Nowhere in the Stanley reference can be found the teaching of producing a garage door window facade.

The Pelusio reference

The Examiner cited the Pelusio reference, to show a window facade for a garage door to simulate a built-in garage door window.

Applicant agrees with the Examiner that indeed the Pelusio reference shows a window façade for a garage door.

Please note that the Pelusio reference concerns with a window façades (architectural accents) that are design to be permanently attached to the garage door.

Combining the references

According to the Examiner, it would have been obvious to a person **skilled in the art** (**festive pad**) at the time the Stanley device was made, to form the pad with a graphic representation of a garage door window (**architectural accent**).

Applicant respectfully reminds the Examiner that the motivation to modify the prior art must flow from some teaching in the art that suggests the desirability or incentive to make the modification needed to arrive at the claimed invention. Evidence of such motivation may "flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved."

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination

Applicant would like to point out to the Examiner that "festive decorations" (seasonal, short-term use, easily removable) are different from the "architectural accent" (long-lasting, permanent mounting required). Thus, a person skilled in the Stanley field of

invention (festive decoration) will not have any technological motivation to modify the Stanley product to include the representation of a window façade. All the window façades of the prior art are designed to be permanently mounted on the wall or door. The window facades of the prior art are attached to the surface by drilling holes onto the surface.

None of the prior art shows a **window façade** that can be easily installed and removed from the surface without using any tools.

In addition, Applicant notes, for the same reasons set forth below, that the Stanley and Pelusio **references do not belong to the same filed technology**. Neither of these references deals with the same problem. Stanley deals with festive decorations and Pelusio deals with architectural accents. Thus, a person skilled in the art according to the Stanley reference did not have access to the teaching of Pelusio because both inventions belong to different fields of technology.

Furthermore, Applicant notes that the Pelusio patent issued more than two years before the Stanley application. Thus, the teaching of Pelusio was already known in architectural accents technology at the time the festive pad of the Stanley reference was made. Thus, why if it would be so obvious to a person skilled in the art at the time the Stanley device was made to form the pad with a graphic representation of a window, did Stanley not consider the window shape?

Applicant believes that the Examiner is using Applicant's disclosure as a blueprint to reconstruct the claimed invention from isolated pieces of the prior art contravenes the statutory mandate of § 103, which requires judging obviousness at the point in time when the invention was made. See *Grain Processing Corp. v. American Maize-Prods. Co.*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988).

Applicant would like to point out to the Examiner that the present invention is designed to fill a need. Recently, laws passed, which prevent a person to buy windows for their garage door or buy a

new garage door with windows. The window façade of the present invention provides the consumer with the option of having an easy to install and remove window façade that the consumer can legally install.

Please note that the window façade of Pelusio does not meet that need because he has to drill into the door, which will jeopardize the door integrity and strength. Furthermore, Applicant notes that Pelusio developed his invention prior to the issue of the new laws; thus, his invention does not fulfill the need of the consumer of having garage door windows that meet the law.

Claims 2 -4 are novel in view of their dependency with novel Claim 1.

Regarding Claim 6

Claim 6 is directed to a method of enhancing the appearance of a metallic surface by placing a window façade. The Stanley reference fails to teach placing a window façade in a metallic door. The reference is teaching adding festive decorations to the metallic door. For the same reasons set forth above, it is not obvious, to modify the design of the magnetic pad of Stanley to include a window façade graphic representation.

Regarding Claims 7 and 9

Applicant notes that Claims 7 and 9 require that the grille and geometric panels are color coordinated to match the metallic surface. Nowhere in either of the references can be found the teaching that the window has to be color coordinated. Stanley does not have any motivation to color coordinate the decoration with the garage door, because the decoration contains the color of the specific festivities (red, blue, and white for 4th of July; green and red for Christmas, etc). Pelusio indeed indicated that an object of the invention is to provide an aesthetically pleasing garage door having the appearance of windows therein. But, nowhere in the reference can the teaching that the window is color coordinated with the garage door be found.

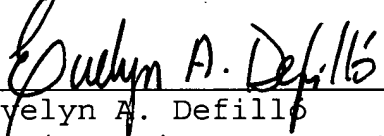
Regarding Claim 10

Applicant notes that the claim requires a sheet and a magnet attached to the sheet. Neither of the cited references teach a magnet attached to the sheet.

Accordingly, the withdrawal of rejection to Claims 1-11 is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,



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Date: **July 13, 2005**

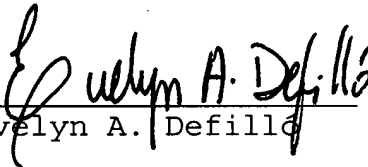
U.S. Application No. 10/662,623
AMENDMENT A

ATTORNEY DOCKET NO.: 4032.001

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT A for U.S. Application No. 10/662,623 filed September 15, 2003, were deposited in first class U.S. mail, postage prepaid, addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **July 13, 2005**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. DeFillis